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1 Adopted: 10/08/14

2 Effective: 10/27/14

3
4 SNOHOMISH COUNTY COUNCIL
5 Snohomish County, Washington

6
7 AMENDED ORDINANCE NO. 14-073
8

9 RELATING TO GROWTH MANAGEMENT, AMENDING CHAPTER 30.25 AND
10 SECTIONS 30.23.210, 30.41F.040, 30.42A.100, 30.42B.020, 30.85.090, AND
11 30.85.130 OF THE SNOHOMISH COUNTY CODE TO MODIFY GENERAL
12 DEVELOPMENT STANDARDS FOR LANDSCAPING INCLUDING TREE CANOPY
13 REQUIREMENTS
14

15 WHEREAS, on January 21, 2009, the Snohomish County Council adopted Amended
16 Ordinance No. 08-101, adding tree replacement requirements in section 30.25.016 of the
17 Snohomish County Code (SCC) requiring retention or replacement of 100 percent of significant
18 trees; and
19

20 WHEREAS, some concerns about the difficulty of planting of all the required
21 replacement trees onsite may be addressed by limiting the number of required replacement
22 trees, clarifying when replacement trees must be planted on site, and providing options for
23 replacing trees when they cannot be reasonably accommodated on site; and
24

25 WHEREAS, the Snohomish County Hearing Examiner's Annual Report dated December
26 2013 recognizes that no options for flexibility or deviation from requirements are in place for
27 existing sites heavily forested with significant trees. The report states that current regulations
28 may impede development of such sites and recommends re-examination of the tree retention
29 policy and code; and
30

31 WHEREAS, the International Society of Arboriculture Guidelines for Developing and
32 Evaluating Tree Ordinances recommend jurisdictions regulate tree canopy coverage rather than
33 individual trees; and
34

35 WHEREAS, tree canopy within landscaping mitigates impacts associated with residential
36 development consistent with planned urban densities, protects the character of existing
37 neighborhoods, provides protection of understory plants, filters sunlight, promotes community
38 aesthetics, creates walkable neighborhoods, and creates a sense of place; and
39

40 WHEREAS, the Snohomish County Planning Commission ("Planning Commission") held
41 a public hearing on March 25, 2014, to receive public testimony concerning the code
42 amendments contained in this ordinance; and
43

44 WHEREAS, the Snohomish County Planning Commission held a special session for
45 continued deliberation of the proposed amendments on April 8, 2014; and
46

47 WHEREAS, at the conclusion of the Planning Commission's deliberation, the Planning
48 Commission did not make a recommendation on the code amendments contained in the
49 ordinance, as indicated in its recommendation letter dated May 27, 2014; and
50

1 allowing them to blend into the neighborhood, helps to define outdoor spaces and increases
2 privacy as well as visually softening corners of structures and lots. These attributes of tree
3 canopy mitigate the impacts of urban residential development on neighboring development
4 and helps preserve the character of existing neighborhoods.
5

6 G. A high-level GIS analysis of the Best Available Land Cover Data provided by the US
7 Geologic Service, determined the unincorporated urban growth areas of Snohomish County
8 contain an estimated 30 percent canopy coverage between public and private lands.
9

10 H. This ordinance seeks to maintain 30 percent canopy coverage in unincorporated urban
11 areas of Snohomish County through retention and replacement of existing tree canopy and
12 significant trees and with supplemental plantings if needed on all residential sites within
13 landscaped areas while providing flexible options for developers to obtain urban densities as
14 prescribed within the Snohomish County Comprehensive Plan.
15

16 I. Under the existing urban residential landscaping code, residential developments are
17 required to dedicate a minimum 10 percent of their gross site area to landscaping. Beta-
18 testing of the proposed code amendments on current landscaping plans resulted in most
19 developments meeting or exceeding proposed canopy requirements through tree retention
20 and planting within these already required landscaped areas. Beta-testing further indicated
21 that modifying proposed landscape plans to reduce required trees and healthy spacing
22 placement would not reduce the applicant's ability to obtain the proposed canopy
23 requirements.
24

25 J. In addition to maintaining the aesthetic natural character of 30 percent tree canopy in urban
26 growth areas, Snohomish County recognizes the multiple functions of tree canopy within
27 landscaped areas in the urban environment, including providing habitat for urban wildlife,
28 improving air quality, providing a buffer for noise, reducing urban heat island effects,
29 providing a reservoir for Carbon sequestration, reducing soil erosion by providing vegetated
30 areas to reduce stormwater run-off, and providing filtration of on-site surface water prior to
31 re-entry to the County's waterways.
32

33 K. Since parcels differ in topography and existing canopy coverage and proposed development
34 applications differ in density and size, the regulations include a sliding scale for gross site
35 tree canopy coverage that will conserve the treed character of the unincorporated urban
36 growth areas while maximizing planned urban densities.
37

38 L. Development applications within unincorporated urban growth areas of less than seven lots
39 are not required to provide open space under the Urban Residential Design Standards
40 (URDS). Tree canopy will provide the mitigation for aesthetic compatibility that otherwise
41 would have been provided through common open space.
42

43 M. Current scientific research in the United States and Canada supports using a mix of different
44 species when placing trees into landscaping in order to increase the tree canopy's
45 resistance to pest or pathogen infestation. Research has also found that including species
46 from an adjacent planting zone in the canopy mix increases the survivability factor of the
47 tree canopy in the case of future climate uncertainty.
48

49 N. Written testimony provided to the Snohomish County Planning Commission by the
50 development community stated that the existing regulations have inhibited urban
51 development and frustrated achievement of the GMA goal to accommodate projected

1
2 DP-5, which reads, in part: "The County and cities shall adopt comprehensive plans and
3 development regulations (RCW 36.70A.040). In Urban Growth Areas (UGAs), such
4 plans and regulations shall:

5
6 (a) Achieve urban uses and densities;

7
8 (b) Provide for urban governmental services and capital facilities sufficient to
9 accommodate the broad range of needs and uses that will accompany the
10 projected urban growth; and

11
12 (c) Permit the urban growth that is projected to occur in the succeeding twenty-year
13 period (RCW 36.70A.110(2))."

14
15 DP-11 "The County and cities should revise development regulations and incentives, as
16 appropriate, to encourage higher residential densities and greater employment
17 concentrations in Urban Growth Areas."

- 18
19 R. This ordinance complies with and implements the following Snohomish County Growth
20 Management Act Comprehensive Plan (GMA CP) General Policy Plan (GPP) goals,
21 objectives, and policies by providing options for calculating existing canopy and providing
22 incentives to retain existing trees which will ease restrictions on forested sites within urban
23 growth areas, requiring landscaping standards that will maintain the natural aesthetic
24 character of forest canopy within urban growth areas, and by providing flexible options for
25 obtaining canopy requirements within landscaping that will better achieve prescribed urban
26 densities prescribed within the Snohomish County Comprehensive Plan:

27
28 Goal LU 1 "Establish and maintain compact, clearly defined, well designed UGAs."

29
30 Goal LU 2 "Establish development patterns that use urban land more efficiently."

31
32 Objective LU 2.B "Plan for future land use and development patterns that are consistent
33 with countywide and regional planning policies and that complement and support the
34 future transportation system outlined in the Transportation Element."

35
36 Policy LU 2.B.2 "The county shall encourage, and may require, higher minimum
37 densities within designated urban centers, urban villages, and along connecting transit
38 emphasis corridors to support planned transit service."

39
40 Policy LU 4.B.2, which reads, in part: "The county shall explore and consider design
41 guidelines for urban centers and villages that achieve the following objectives:

42
43 (j) Well designed urban centers and urban villages that are sensitive to natural and
44 cultural resources so as to preserve them."

45
46 Goal LU 5 "Encourage land use patterns that create connected, identifiable
47 neighborhoods and communities in UGAs through a consolidated system of past and
48 future neighborhood plans."

- 1 5. The Washington State Attorney General last issued an advisory memorandum, as
2 required by RCW 36.70A.370, in December of 2006 entitled "Advisory Memorandum:
3 Avoiding Unconstitutional Takings of Private Property" to help local governments
4 avoid the unconstitutional taking of private property. The process outlined in the
5 State Attorney General's 2006 advisory memorandum was used by Snohomish
6 County in objectively evaluating the regulatory changes proposed by this ordinance.
7

8 T. This ordinance is consistent with the record.
9

- 10 1. This ordinance repeals regulation of individual significant trees and amends Chapter
11 30.25 SCC to include regulations of the overall site tree canopy, applying consistent
12 landscaping requirements to similar types of residential development within urban
13 growth areas of Snohomish County to mitigate the impacts of achieving planned
14 urban densities and maintaining the character of existing neighborhoods.
15
16 2. This ordinance provides flexibility for developers to obtain the required site tree
17 canopy percentages by applying a sliding scale for requirements based on proposed
18 density and development type while offering incentives to retain significant trees.
19
20

21 **Section 2.** The County Council makes the following conclusions:
22

- 23 A. This ordinance is necessary to remedy the competing goals of tree retention and obtaining
24 planned densities within urban growth areas of Snohomish County.
25
26 B. The proposal is consistent with the goals, objectives and policies of the GPP.
27
28 C. The proposal is consistent with Washington State law and the SCC.
29
30 D. The County has complied with all SEPA requirements in respect to this non-project action.
31
32 E. The regulations proposed by this ordinance do not result in an unconstitutional taking of
33 private property for a public purpose.
34

35 **Section 3.** The Snohomish County Council bases its findings and conclusions on the entire
36 record of the county council, including all testimony and exhibits. Any finding, which should be
37 deemed a conclusion, and any conclusion which should be deemed a finding, is hereby adopted
38 as such.
39

40 **Section 4.** Snohomish County Code Section 30.23.210, last amended by Amended Ordinance
41 No. 13-042 on July 10, 2013, is amended to read:
42

43 **30.23.210 Lot size averaging.**
44

45 (1) A subdivision or short subdivision will meet the minimum lot area of the zone in which it is
46 located if the area in lots plus half of the area of all critical areas and their buffers that must be
47 permanently protected under chapter 30.62A SCC, if any, plus and¹ areas designated as open
48 space or recreational uses, if any, divided by the total number of lots equals or exceeds the
49 minimum lot area of the zone in which the property is located. In no case shall the density
50 achieved be greater than the gross site area divided by the underlying zoning.
51

1 (a) Enhance neighborhood livability and mitigate potential land use incompatibility through
2 landscaping and screening and by conserving tree canopy and vegetation;

3 (b) ~~((Reduce tree loss during land development and construction))~~ Encourage the
4 conservation of the urban tree canopy and significant trees to retain the county's urban
5 aesthetic character and environment; and

6 (c) ~~((Mitigate tree loss by providing for tree replacement.))~~ Promote the preservation of open
7 space, existing tree canopy and vegetation, and natural diversity and wildlife habitat, using
8 supplemental plantings when necessary.

9 (2) The provisions of this chapter should enhance compatibility between uses and zones and
10 build continuity within neighborhoods while reducing the impacts of new development and
11 minimizing the visual impact of parking areas and detention facilities and other special uses that
12 require screening from residential uses.

13
14 **Section 6.** Snohomish County Code Section 30.25.012, added by Amended Ordinance No. 08-
15 101 on January 21, 2009, is amended to read:

16
17 **30.25.012 Applicability.**

18
19 (1) The landscaping provisions of this chapter shall apply to all development ~~((permits))~~
20 applications, unless specifically exempted in SCC ~~((30.25.012(3)))~~ 30.25.012(2) or elsewhere in
21 this chapter.

22 ~~((2) The tree retention and replacement provisions of this chapter shall apply to all new~~
23 ~~residential development activity within urban growth areas and as required in SCC 30.25.025,~~
24 ~~30.25.030 and 30.25.032, including any activity requiring a grading or other land-disturbing~~
25 ~~activity permit, unless specifically exempted.))~~

26 ~~((3))~~ (2) This chapter shall not apply to:

27 (a) Farms and accessory uses associated with farming;

28 (b) Changes in occupancy where the use would generate a need for five or less additional
29 parking spaces over the number of existing spaces; and

30 (c) Remodels of ~~((multiple family))~~ or additions to residential, commercial, industrial, public
31 facilities and private institutional uses representing less than 50 percent of the valuation of the
32 structure as determined by using the most recent ICBO construction tables, or adding less than
33 20 percent of gross floor area.

34
35 **Section 7.** A new section is added to chapter 30.25 of the Snohomish County Code to read:

36
37 **30.25.013 Allowing A Complete Development Application to Opt-in to the requirements**
38 **of Ordinance No. 14-073.**

39
40 (1) An applicant with a residential development application within unincorporated urban
41 growth areas, determined to be complete between April 21, 2009, and the effective date of
42 Ordinance 14-073, may voluntarily submit a signed waiver to the department requesting the
43 development application be reviewed under the provisions in Amended Ordinance No. 14-073.
44 All other development regulations in effect as of the date the original development application
45 was determined to be complete shall apply.

46 (2) Applicants submitting a signed waiver shall have 12 months from the effective date of
47 Amended Ordinance 14-073 to submit a revised site plan and landscaping plan.

48 (3) Residential site and landscaping plans re-submitted under this section shall require public
49 notice pursuant to chapter 30.70 SCC and any applicable fees.

1 ~~—(c) The landscaping plan shall include an assessment of whether temporary or permanent~~
2 ~~irrigation is required to maintain the proposed landscaping in a healthy condition.~~

3 ~~—(d) Street trees and other right-of-way planting shall be shown on the approved landscaping~~
4 ~~plan.~~

5 ~~—(e) The landscaping plan shall include the location, caliper and species of all significant trees~~
6 ~~located on the site that are proposed to be removed.~~

7 ~~—(f) The landscaping plan shall include the location, caliper or height, and species of all~~
8 ~~replacement trees to be planted.~~

9 ~~—(g) The landscaping plan shall include a description of why significant trees cannot or should~~
10 ~~not be retained.~~

11 ~~—(h) The landscaping plan shall include a description and approximate location of any trees on~~
12 ~~adjoining properties that may be directly affected by any proposed activities.~~

13 ~~—(i) The landscaping plan shall show clearing limits consistent with applicable land disturbing~~
14 ~~activity site plans required pursuant to chapter 30.63B SCC.))~~

15 (3) Planting areas outside of the right-of-way may include landscape features such as
16 decorative paving, sculptures, fountains, rock features, benches, picnic tables, and other
17 amenities; provided that the area devoted to such features may count toward no more than 20
18 percent of the total required perimeter and parking lot landscaping area. Use of bark, mulch,
19 gravel, and similar non-vegetative material shall be minimized and used only to assist plant
20 growth and maintenance or to visually complement plant material.

21 (4) An accessible route of travel meeting construction code barrier free requirements may
22 cross a required landscape area at a 90 degree angle or as close to a 90 degree angle to the
23 road right-of-way as conditions allow. The area devoted to an accessible route of travel in a
24 required perimeter area may be included to satisfy the requirements of SCC 30.25.020.

25 (5) The following minimum planting standards apply, except that street trees required pursuant
26 to SCC 30.25.015(8) shall comply with planting standards in the EDDS:

27 (a) Evergreen and deciduous trees shall be at least ~~((eight))~~ six feet high at the time of
28 planting;

29 (b) Deciduous trees shall have a minimum diameter of one and one-half inches caliper at the
30 time of planting; provided that the combined diameter measurements of groupings of under-
31 story trees, such as vine maples, may be used to meet this requirement;

32 (c) Evergreen and deciduous shrubs shall be at least 18 inches high at the time of planting;

33 (d) Trees shall be of a size and type projected to reach a height of at least 20 feet in 10
34 years, except where under-story or low-growing trees are specifically approved or required by
35 the director;

36 (e) Trees shall be planted at least five feet from adjoining property lines ~~((, except as may be~~
37 ~~approved for landscaping along road frontages pursuant to the EDDS and road frontage~~
38 ~~requirements)).~~

39 (6) All landscape materials shall meet or exceed current United States standards for nursery
40 stock published by the American Nursery and Landscape Association and consist of native
41 species. The applicant shall use a list of acceptable species prepared by the director or may
42 substitute a species with similar characteristics not on the list with the director's approval.

43 (7) To promote stabilization and continued healthy growth of the landscape areas required by
44 this section, a qualified landscape designer shall determine the need for irrigation. An irrigation
45 plan shall be submitted together with the required landscape plan.

46 (8) Street trees are required to be planted as frontage improvements along public ~~((and~~
47 ~~private))~~ roads and along private roads and drive aisles in residential developments within urban
48 growth areas ~~((on land developed for residential use according to the road cross section and~~
49 ~~general landscaping standards of the EDDS)).~~ Street trees are not required around turnarounds
50 at the end of ~~((roads))~~ road network elements less than 150 feet in length.

1 —(a) These special requirements are applicable to all applications for the following:
2 —(i) Single family detached unit development pursuant to chapter 30.41F SCC;
3 —(ii) Planned residential development pursuant to chapter 30.42B SCC;
4 —(iii) Subdivision or short subdivision using lot size averaging pursuant to SCC 30.23.210;
5 and
6 —(iv) Rezones pursuant to chapter 30.42A SCC, but only if the requested zoning designation
7 allows a greater number of dwelling units per acre than the current zoning designation.
8 —(b) The applicant shall attest in writing, to be acknowledged by a notary public, that no
9 significant trees other than hazardous trees were removed from the site after January 7, 2000,
10 and within six years prior to the date of the submission of the application.
11 —(c)) If any significant trees other than hazardous trees were removed after January 7, 2000,
12 and within six years prior to the date of the submission of the application, then the application
13 shall not be approved; provided that the application may be approved if:
14 —(i) The removal of trees was authorized by a forest practices permit issued by the State
15 Department of Natural Resources;
16 —(ii) The public is notified of the prior removal of trees consistent with the posting,
17 publication, and mailing requirements of SCC 30.70.045, and this notice may be combined with
18 the notice for the underlying application;
19 —(iii) A tree survey of all significant trees is completed and significant trees are replaced as
20 required in Table 30.25.016(3);
21 —(iv) All significant trees within any perimeter landscaping required under SCC 30.25.020
22 and all significant trees within critical area protection areas and required buffers are retained;
23 —(v) All significant trees on site are retained on five percent of the site in addition to those
24 retained as required in SCC 30.25.016(3)(c)(iv); and
25 —(vi) The owner of the property at the time of tree removal is not a person, corporation, or
26 other entity engaged in residential land development or construction within unincorporated
27 urban growth areas.) Development subject to the requirements of SCC 30.25.016(1) shall
28 meet the minimum tree canopy coverage requirements set forth in SCC Table 30.25.016(3),
29 except as provided in SCC 30.25.016(5) and SCC 30.25.016(8). On sites that do not meet the
30 requirements of SCC Table 30.26.016(3) through existing tree canopy or where an applicant
31 removes the existing tree canopy, new plantings to meet the requirements of SCC Table
32 30.25.016(3) shall be planted pursuant to SCC 30.25.015(5) through (7) and SCC 30.25.016(6).
33 For sites requiring new plantings to attain the required tree canopy percentage, tree canopy
34 coverage requirements listed in SCC Table 30.25.016(3) shall be calculated according to
35 projected growth at 20 years maturity consistent with Table 30.25.016(4).
36 (a) Tree canopy shall include all evergreen and deciduous trees six feet in height or greater,
37 excluding invasive species or noxious weeds, within the gross site area.
38 (b) Existing or planted tree canopy may include street trees and may be located within
39 perimeter landscaping, site landscaping, critical area protection areas and required buffers, and
40 open space tracts or easements.
41

((Table 30.25.016(3)—Tree Replacement Schedule

Caliper of Tree Removal	Number of Replacement Trees Required
10—16 inches	1
16.1—24 inches	2
Over 24 inches	3

Notes: Multiple stem trees shall be counted as one significant tree.))

Table 30.25.016(4)

Measuring Tree Canopy

<u>Existing Canopy</u>		<u>New Canopy</u>
<u>Option 1 Tree Survey</u>	<u>Option 2 Aerial Estimation</u>	<u>20-Year Canopy Calculation</u>
<ul style="list-style-type: none"> • <u>Measure average canopy radius (r) for each tree to be retained</u> • <u>Calculate existing canopy area using the formula: Canopy Area (CA)=πr^2</u> • <u>Total the sum of tree canopy areas and divide by gross site area to obtain canopy coverage percentage</u> 	<ul style="list-style-type: none"> • <u>Obtain aerial imagery of site</u> • <u>Measure site boundaries</u> • <u>Measure canopies of individual trees or stand area using leading edges as the forest boundary</u> • <u>Divide total canopy measurement by the gross site area to obtain canopy coverage percentage</u> 	<p><u>For each proposed species:</u></p> <ul style="list-style-type: none"> • <u>Calculate radius (r) of canopy at 20 years maturity</u> • <u>Calculate canopy coverage using the formula: CA=πr^2</u> • <u>Multiply by the proposed quantity to be planted to obtain total species canopy area</u> • <u>Total the sum of species canopy area for all proposed species and divide by gross site area to obtain 20-year canopy coverage percentage</u>

((5) The number of required replacement trees shall be reduced by 30% if an additional buffer of 15 feet is provided around the edge of a subdivision and all significant trees and native understory in the buffer are retained. This buffer must be in addition to all buffer and landscaping requirements in the code, and it must be provided around the entire subdivision except where roads and other required infrastructure enter the subdivision.))

((6)) (5) To assist in the preservation and retention of significant trees and existing tree canopy outside of critical area protection areas and required buffers and perimeter landscaping, the ((director)) applicant may ((apply one of)) utilize the following ((incentives)) credits:

(a) ((The on-site recreation space required by SCC 30.23A.080 may be reduced by up to 10 percent when at least 10 percent of site's significant trees (outside of any required perimeter landscaping or critical area protection areas and required buffers) are retained;)) Individual significant trees retained on site shall be counted at 125 percent of their actual canopy area.

(b) ((The lot width or size may be reduced by up to 20 percent of that required by the underlying zone when at least 10 percent of the site's significant trees (outside of any required

1 areas (such as street trees, perimeter landscaping, open spaces and critical area protection
2 areas and required buffers) at healthy spacing densities before placing trees within individual
3 lots or yards; and
4 ~~((e))~~ (e) Replacement trees shall be located in such a manner to minimize damage to trees
5 or ~~((dwellings))~~ structures on the project site and on properties adjoining the project site ((;and))
6
7 ~~((d)) Significant evergreen trees proposed for removal must be replaced with a comparable~~
8 ~~evergreen native species as determined by the director;))~~
9 ~~((8))~~ (7) The following tree protection measures shall be taken during clearing or
10 construction:
11 (a) Tree protective fencing shall be installed along the outer edge of the drip line surrounding
12 the ~~((significant))~~ trees retained in order to protect the trees during any land disturbance
13 activities, and fencing shall not be moved to facilitate grading or other construction activity within
14 the protected area;
15 (b) Tree protective fencing shall be a minimum height of three feet, visible and of durable
16 construction; orange polyethylene laminar fencing is acceptable; and
17 (c) Signs must be posted on the fence reading "Tree Protection Area."
18 ~~((9))~~(8) ~~((The Director))~~ An applicant may reduce the tree canopy requirements of SCC
19 Table 30.25.016(3) by no more than five percent through a landscape modification when all of
20 the following criteria and those in SCC 30.25.040 are met:
21 (a) The applicant demonstrates in writing that they have made a good faith effort to comply
22 with the tree canopy requirements within the physical constraints of the site by:
23 (i) Retaining as much of the tree canopy as possible on site consistent with best
24 management practices for maintaining the health of trees; or
25 (ii) Replanting as much of the tree canopy as possible on site consistent with best
26 management practices for maintaining the health of trees;
27 (b) The applicant proposes to plant additional understory vegetation or ground cover area,
28 excluding lawn cover, invasive species or noxious weeds, to fulfill the remaining canopy
29 requirement in SCC Table 30.25.016(3) not met by retention or replanting of tree canopy; and
30 (c) When critical areas protection area buffers exist on site and those buffers are not highly
31 functioning, the applicant proposes to enhance the buffers by removing invasive species and
32 noxious weeds and/or planting vegetation indigenous to the Pacific Northwest, spaced for
33 maximum survivability.
34 (9) On sites without any existing tree canopy, the director may reduce the requirements of
35 SCC Table 30.26.016(3) by no more than five percentage points (for example, 30 percent
36 requirement can be reduced to 25 percent) when an applicant provides a 25 percent increase in
37 the area of open space than that required under SCC Table 30.23A.080(2). The following shall
38 not be eligible for this reduction:
39 (a) Short subdivisions less than seven lots;
40 (b) Single family detached units, cottage housing, townhouse, multi-family less than 10
41 units; and
42 (c) Urban center development.
43 ~~((9))~~(10) The ~~((director))~~ County Engineer may ~~((allow a modification to the design of))~~
44 modify required frontage improvements to retain significant trees as street trees.
45 (11) Retained significant trees, trees planted as replacements for significant trees, and trees
46 planted to meet requirements in SCC 30.25.016(3) may not be removed except when
47 determined in writing by a certified arborist to constitute a hazard. Any replacement or
48 significant trees removed without proper documentation from a certified arborist shall be subject
49 to a fine as determined under chapter 30.85 SCC.
50 (12) Any significant trees identified in a landscape plan to be retained and subsequently
51 damaged or removed during site development shall be replaced at a rate of three trees for each

30.42A.100 Decision criteria.

The hearing examiner may approve a rezone only when all the following criteria are met:

- (1) The proposal is consistent with the comprehensive plan;
- (2) The proposal bears a substantial relationship to the public health, safety, and welfare; and
- ~~((3) The proposal would not increase the allowed density of residential development on any site where any significant trees other than hazardous trees were removed after January 7, 2009, and within six years prior to the date of the submission of the application, pursuant to SCC 30.25.016(3); and))~~
- ~~((4))~~ (3) Where applicable, minimum zoning criteria found in chapters 30.31A through 30.31F SCC are met.

Section 13. Snohomish County Code Section 30.42B.020, last amended by Amended Ordinance No. 10-072 on September 8, 2010, is amended to read:

30.42B.020 Applicability.

(1) A PRD is permitted only within UGAs in the R-9,600, R-8,400, R-7,200, LDMR, and MR zones.

(2) A retirement apartment or retirement housing PRD is permitted only within the LDMR, MR, NB, PCB, CB, and GC zones.

(3) A PRD is not permitted in the rural area, except in the R-5 zone when consistent with Policy LU 6.A.3 of the comprehensive plan.

~~((4) A PRD is not permitted on any site where any significant trees other than hazardous trees were removed after January 7, 2009, and within six years prior to the date of the submission of the application, pursuant to SCC 30.25.016(3);))~~

~~((5))~~ (4) Except for the retirement apartment and retirement housing PRDs, the density of a PRD shall be consistent with the land use designation identified in the comprehensive plan.

Section 14. Snohomish County Code Section 30.85.090, last amended by Amended Ordinance No. 08-101 on January 21, 2009, is amended to read:

30.85.090 Citation.

(1) Violations of the following provisions of Snohomish County Code shall be subject to the citation and/or criminal provisions set forth in this chapter:

- (a) Junkyard conditions in urban zones (SCC 30.22.100 or SCC 30.65.285);
- (b) Recreational vehicle occupancy (SCC 30.22.100, 30.22.110, 30.22.120 or 30.22.130(19)(b) and (c) or SCC 30.65.285);
- ~~((c) Tree retention (SCC 30.25.016(1)))~~
- ~~((d))~~ (c) Illegal signs (chapter 30.27 SCC);
- ~~((e))~~ (d) Noise standards (chapter 10.01 SCC, except public disturbance noises as defined by SCC 10.01.040);
- ~~((f))~~ (e) Fence height (SCC 30.52A.148(1)(c) or SCC 30.23.100(3));
- ~~((g))~~ (f) Erosion control measures and best management practices (chapter 30.63A SCC);
- ~~((h))~~ (g) Overcrowding beyond building capacity or blocking means of egress (SCC 30.53A.382);
- ~~((i))~~ (h) Obstruction of fire apparatus access roads (SCC 30.53A.512);
- ~~((j))~~ (i) Means of egress (SCC 30.53A.010, Section 1028 IFC);
- ~~((k))~~ (j) Burn permit (SCC 30.53A.298);

Erosion control measures Chapter 30.63A SCC	\$150	\$250	\$300	\$500	\$500	\$700
Overcrowding building or egress SCC 30.53A.382	NA	\$250	NA	\$500	\$500	\$700
Obstruction of fire access roads SCC 30.53A.512	\$150	\$250	\$300	\$500	\$500	\$700
Means of egress SCC 30.53A.010; Section 1028 IFC	NA	\$250	NA	\$500	\$500	\$700
Burn permit SCC 30.53A.298	\$150	\$250	\$300	\$500	\$500	\$700
Stop work order SCC 30.85.230	\$300	\$500	\$600	\$1,000	\$1,000	\$1,500
Emergency order SCC 30.85.240	\$450	\$750	\$500	\$1,500	\$700	\$2,100

¹ See SCC 30.85.135 as definition

² Pursuant to SCC 30.85.280.


((^a If the trees removed constitute no more than the lesser of 5 significant trees or 5% of the total number of significant trees on the site the fine shall be \$1,000 per tree.))

((Code Reviser Note: The text shown in 30.85.130 footnote 3 above, in italic font, was added by Amended Ord. 08-101 but was not shown with addition marks.))

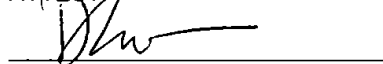
Section 16. Severability and Savings. If any section, sentence, clause or phrase of this ordinance shall be held to be invalid by the Growth Management Hearings Board (Board), or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance. Provided, however, that if any section, sentence, clause or phrase of this ordinance is held to be invalid by the Board or court of competent jurisdiction, then the section, sentence, clause or phrase in effect prior to the effective date of this ordinance shall be in full force and effect for that individual section, sentence, clause or phrase as if this ordinance had never been adopted.

PASSED this 8th day of October, 2014.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington


Dave Somers, Council Chair

ATTEST:


Debbie Eco, Clerk of the Council